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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,851	09/18/2001	Wolfgang Paessler	1700	8280

7590 04/07/2003

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103 East Neck Road  
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EXAMINER

KEASEL, ERIC S

ART UNIT	PAPER NUMBER
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3754

DATE MAILED: 04/07/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application N .

09/890,851

Applicant(s)

PAESSLER ET AL.

Examiner

Eric Keasel

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8 and 9 is/are rejected.
- 7) ☒ Claim(s) 6 and 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5, 6. 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 8, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Krimmer et al. (US Patent Number 5,878,991).

Krimmer et al. disclose an electromagnetically actuatable valve (10) comprising a magnet part (13), a moveable armature element (27), a spring element (31), and a valve part (see upper portion of Fig. 1), whereby the magnet part has at least one magnetic coil (16) wound on a coil form (17), a flux concentrating element (14) and a center pole (15), and the valve part has a closing element (332) that cooperates with the armature element (27) and controls the opening and closing of the valve on a valve seat (26), characterized in that the armature element is designed as a clapper-type armature and cooperates with the center pole by way of a damping element (333) with a stop (334), further characterized in that the armature element, the flux concentrating element, the closing element, the spring element, and the damping element are arranged in the housing (101, 102) in a pressure-sealed compartment; further characterized in that the flux concentrating element is designed as a bracket which is situated on the perimeter of the magnetic coil (see Fig. 1). The closing element and the damping element are designed as an integral damping shoe (331, 332, 333, and 334) that is flexible and can be attached directly to the armature element (27).

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3. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Sakakibara (US Patent Number 4,205,593).

Sakakibara discloses an electromagnetically actuatable valve comprising a magnet part, a moveable armature element (73), a spring element (74), and a valve part (to the right of Fig. 2), whereby the magnet part has at least one magnetic coil (29) wound on a coil form (71), a flux concentrating element (68, 68a) and a center pole (70), and the valve part has a closing element (64) that cooperates with the armature element (73) and controls the opening and closing of the valve on a valve seat (62), characterized in that the armature element is designed as a clapper-type armature and cooperates with the center pole (70) by way of a damping element (77a), further characterized in that the armature element, the flux concentrating element, the closing element, the spring element, and the damping element are arranged in the housing (46, 47, 60) in a pressure-sealed compartment; further characterized in that the flux concentrating element (68, 68a) is designed as a bracket which is situated on the perimeter of the magnetic coil (29).

***Allowable Subject Matter***

4. Claims 6 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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***Conclusion***

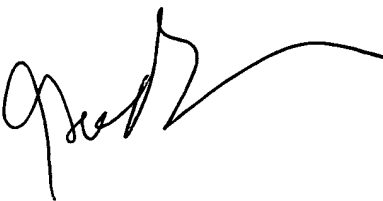
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hozumi et al. (US Patent Number 4,534,381), Kelly (US Patent Number 4,610,425), Champseaux (US Patent Number 4,986,308), Romer (US Patent Number 5,337,785), Pieloth et al. (US Patent Number 5,653,422), and Engel et al. (US Patent Number 6,019,344) disclose similar electromagnetically actuated valves with dampening features.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Keasel whose telephone number is (703) 308-6260. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Mancene can be reached on (703) 308-2696. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0861.

EK 2APR03  
ek  
April 2, 2003



Gene Mancene  
Supervisory Patent Examiner  
Group 3700